

**Board of Public Works and Safety  
Regular Meeting Minutes  
February 6, 2012**

The regular meeting of the Board of Public Works and Safety of the City of Franklin, Indiana was called to order at 5:15 p.m. at City Hall, 70 E. Monroe Street, with Mayor Joseph E. McGuinness presiding. Board members Stephen Barnett and Bob Swinehamer answered roll call.

Chief of Police Tim O'Sullivan, Fire Chief John Henderson, Parks Department Superintendent Chip Orner, Sewer Billing Office Manager Sherry Phillips, DPW Superintendent Rick Littleton, Planning Director Krista Linke, Street Commissioner Ron Collins, Clerk Treasurer Janet Alexander, Records Clerk Kathy Cragen, and City Attorney Lynnette Gray were also in attendance.

Mr. Barnett offered an invocation immediately followed by the Pledge of Allegiance.

**Public Comments**

Resident Gary Moody requested that the Board of Works terminate a City employee, Todd Wilkerson.

**Consent Agenda**

Mayor McGuinness presented the consent agenda for approval.

1. Approval of Minutes from meeting held January 17, 2012
2. Board of Works Claims.
  - #011812 Buy-Out in the amount of \$55,737.00
  - #012112 Sewer Utilities in the amount of \$7,388.61
  - #012012 BOW Utilities in the amount of \$4,996.30
  - Pension Payroll in the amount of \$56,588.07
  - Payroll in the amount of \$292,802.07
  - Benefit Payout in the amount of \$8,577.65
  - Payroll in the amount of \$737.17
  - Payroll in the amount of \$42.50
  - Payroll for BOW in the amount of \$456.22
  - #012912 Buy-Out in the amount of \$72,826.06
  - #012512 Buy-Out in the amount of \$37.50
  - #012712 Sewer Utilities in the amount of \$4,592.80
  - #012712 BOW Utilities in the amount of \$158,798.12
  - #020612 BOW Meeting in the amount of \$50,779.64
  - #020512 BOW Sewer Utility in the amount of \$37,211.22
  - #020412 Sewer Utilities in the amount of \$80,053.06
  - #020312 BOW Utilities in the amount of \$56,989.07

Mr. Barnett made a motion to approve the consent agenda as presented, seconded by Mr. Swinehamer. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

## **Old Business**

### **Employee Compliance with Wellness Program Requirements**

City Attorney Lynn Gray stated that the Board held an Executive Session before this meeting to receive information about an employee who had not met the Wellness Program requirement and had submitted a request for a waiver. Mr. Swinehamer made a motion to deny the waiver, seconded by Mr. Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

### **Surplus Property Auction - Department Update**

Mayor McGuinness asked that all departments turn in their surplus property lists. City Attorney Gray stated that the next step would be for all departments to look over these lists and decide if anything can be exchanged inter-departmentally. Clerk-Treasurer Janet P. Alexander asked that all lists be faxed to her office also. Ms. Gray stated that this project will be on the next agenda for further discussion.

## **New Business**

**Fire Extinguisher & Pressurized Cylinder Agreement** - Stuart Bridges presented information to the Board about the maintenance service he provides on City fire extinguishers and pressurized cylinders. A discussion was held. Mr. Swinehamer made a motion to continue with this agreement, seconded by Mr. Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

### **Project Green - Approval of the Distribution of Internal Surplus to City Departments -**

Senior Planner Joanna Myers presented a list of items purchased and used from Project Green. Mr. Barnett made a motion to approve, seconded by Mr. Swinehamer. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Request to Lease the Former Street Garage - Buildings and Grounds** - Anthony Biasi and Jerry Yarnell presented their proposal to lease the former Street Garage. City Attorney Gray stated that there is a process that must be followed by municipal government when considering whether to lease property rather than to sell it. She explained that the process varies depending on whether the proposed tenant is a governmental entity or a private enterprise. She said that a lease between governmental units can be affected by simply passing identical resolutions. She outlined the process and the options available to the Board of Works stating that the first decision the Board must make is whether or not it is in the best interest of the City to lease rather than sell. Once that determination is made the process followed is determined by other factors. She summarized the basic process for the board as follows.

- Determine if leasing is in the best interest of the City as opposed to a sale process.
- Identify the rules associated with the various types of entities and be aware of the exceptions based on the legal status of each type. Recognize that there are exceptions / types of entities that we can lease to by simply entering into virtually identical lease agreements including non-profits and educational institutions.

- When leasing to private individuals the City must undertake a public letting process similar to a sale of public property
- The unit is required to obtain two independent appraisals establishing the fair market rental value of a lease. The appraisal process is limited to the fair market rental value as opposed to the sale value
- An advertised public hearing must be held and bids taken on the amount of the lease.
- The unit must accept the bid if it is 90% or more of the appraised lease value.
- If the bid is less than 90% and the unit wants to waive the 90% minimum, an advertised public hearing must be held to discuss and accept an offer that is less than 90% of the appraised fair market value
- Alternately the Board has discretion under Title 36 to make a determination that the appraisal process is not feasible based upon their knowledge of the property and develop their own value criteria. This process includes advertising the request for bids and holding a public hearing to accept the offers.

Ms. Gray stated that the entire process is lengthy and could take as long as two or three months to accomplish. A discussion was held. Mayor McGuinness stated that he wants to make sure that Franklin Heritage & Habitat for Humanity have space reserved for storage in the event that we lease the property. Attorney Gray stated that this could be written into a lease. Mr. Barnett asked for the cost of removing the fuel tanks. Street Department Superintendent Ron Collins stated that one estimate put the cost of removal at \$50,000.00 with no remediation.

Mr. Swinehamer made a motion that we determine if leasing for at least a period of up to two years would make more sense than to try to go through a sale process or the appraisal process, Mr. Barnett seconded this motion. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Recommendation to Vacate Platted D&UE's - 700 Bartram Parkway – Recommendation to Vacate Platted Sewer Easement - 700 Bartram Parkway - Recommendation to Vacate a Portion of Bartram Parkway** - Mr. Barnett asked that all three items relating to 700 Bartram Parkway be consolidated and discussed at the same time. Senior Planner Joanna Myers stated that Tippmann Realty Group wants to vacate platted D&UE's, vacating the platted sewer easement, and vacating a portion of 700 Bartram Parkway. Ms. Myers stated that these requests were discussed and approved by the Plan Commission. The requests were forwarded with favorable recommendations. Upon receipt of a recommendation from the Board of Public Works they will advance to the City Council in the form of ordinances for final approval. Mr. Barnett made a motion to forward all three requests to the City Council for action, seconded by Mr. Swinehamer. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Request Approval of Secondary Route to move two Model Homes** – Joanna Myers stated that Jeff & Pam Taylor were present and are requesting approval of a secondary route to move two Arbor Homes. Mr. Taylor explained that they still plan to use the original route unless bad weather makes it necessary to use an alternate route. Mr. Taylor stated that they would like approval to use the amended route if necessary. He explained that they would need to put up “no parking” signs along some sections of the route areas. He stated that the Street Department would be notified well in advance if it was necessary to have signage removed and for “no parking signs” to be put up. A discussion was held. Mayor McGuinness made a motion to approve the secondary route with the stipulation that the Street Department and Police Department be notified at least 7 days in advance of the move, seconded by Mr. Barnett. A

voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Review & Approve Revised MS4 Budget** - Clerk-Treasurer Janet P. Alexander stated that at the Mayor's request she has prepared a revised MS4 Budget. She stated that the proposed changes will allow the MS4 Coordinator's salary to be paid completely from the MS4 Budget. Mr. Swinehamer made a motion to approve, seconded by Mr. Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Request Approval of Easement for Former Fire Station and Former Street Garage** - City Attorney Lynn Gray stated that in 2011 the City sold the former fire station, and that there should be an easement allowing the new property owner to get to and from his property. Ms. Gray stated that this must be authorized by the Board of Works, but that no motion was necessary. The Board approved the proposed easement as presented by the City Attorney.

**Resolution No.: 12-01 - A Resolution for the Transfer of Surplus Equipment and Property** - City Attorney Lynn Gray stated that this resolution is an agreement between the City of Franklin and the Board of Fire Trustees of the Bargersville Community Fire Protection District to exchange surplus equipment and property. The items to be exchanged are: 2002 Ford E-350, Ambulance Box-Horton Model 553 and Ferno Cot Model 35-P from the City of Franklin, and a 2007 Ford Expedition XLT from the Bargersville Community Fire Protection District. A discussion was held. Mr. Swinehamer made a motion to approve this transfer, seconded by Mr. Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Resolution No.: 12-02 - A Resolution of the Franklin Board of Public Works and Safety Relative to the Supervision Management and Control of Greenlawn Cemetery** - Mayor McGuinness stated that this resolution will put the Park Board in control of Greenlawn Cemetery. Mr. Barnett made a motion to approve the resolution, seconded by Mr. Swinehamer. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Request Approval of Payment #9 to Reynolds, Inc.** - DPW Superintendent Rick Littleton stated that he had received a payment request in the amount of \$127,583.00 for work completed on the Wastewater Treatment Plant Modifications Project, and asked for approval of the payment. Mr. Swinehamer made a motion to approve payment, seconded by Mr. Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Fire Department Matters - Countywide Accountability System & Countywide Radio System** - Fire Chief John Henderson gave the Board an update on the Countywide Accountability System & Countywide Radio System.

**Conflict of Interest Form(s): Steve Barnett and Joanna Myers**

Clerk-Treasurer Alexander stated that Uniform Conflict of Interest forms from Mr. Barnett and Ms. Myers have been submitted. She requested that the Board accept the forms. Upon acceptance by the Board of Public Works the forms will be submitted to the State Board of Accounts. The Board accepted the forms.

**Other Business**

None was presented

### **Department Reports / Staff Reports**

Fire Chief Henderson stated that a new firefighter would be sworn in at the first meeting in March.

DPW Superintendent Littleton stated that the two-way radio system is back up and running at about 50% at this time. Mr. Littleton also stated that the fuel tanks are now empty.

Street Department Commissioner Collins stated that he had received a request from Mrs. Rita Stillabower for a handicap parking space on Home Avenue. Mr. Collins stated that he recommends approval of this request and suggested that ideally the first parking spot on the west side of Home Avenue should be designated as a reserved handicapped spot. The Mayor stated that the recommendation will be listed on the next agenda for discussion. Mr. Collins asked about funding for the Hudson Street and the South Street paving projects. A discussion was held.

Mr. Swinehamer asked for an update on the Red Carpet Inn demolition. Code Enforcement Officer Rhoni Oliver stated that she is going to ask the City Council for funding.

### **Adjournment**

As there was no further business to come before the Board of Works a motion was made and seconded to adjourn. The meeting adjourned at 6:29 p.m.

Respectfully submitted,

Janet P. Alexander  
Clerk Treasurer

Enrolled: 2/16/2012

Approved by the Board of Works: \_\_\_\_\_